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IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In the Matter of the  
SMALL CLAIMS ONLINE DISPUTE RESOLUTION PILOT PROJECT

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ORDER ESTABLISHING A SMALL CLAIMS ONLINE DISPUTE RESOLUTION  
PILOT PROJECT IN THE DISTRICT COURTS OF THE STATE OF HAWAI‘I  
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of the request by the Standing Committee on Innovations, Technology, and Self-Represented Litigants to establish an online pilot project for Small Claims disputes in an effort to increase access to justice through the use of a digital space in which parties in Small Claims matters may resolve their disputes in a timely and convenient way,

IT IS HEREBY ORDERED that:

1. A Small Claims Online Dispute Resolution (“ODR”) Pilot Project is established in the District Courts of the State of Hawai‘i, effective July 1, 2021 and expiring on June 30, 2022, unless extended or made permanent by order of this court.

2. The Small Claims ODR Pilot Project shall include a system for self-represented litigants to initiate a Small Claims case, make payment or request for a filing fee waiver, submit documents to the court, and enter into negotiation and or mediation to resolve a dispute entirely online. The Hawai'i Rules of the Small Claims Division of the District Courts shall apply to the Small Claims ODR Pilot Project.

3. During the pilot project period:

a. All Small Claim actions filed after the effective date of this order and throughout the pilot project period shall be entered into the Small Claims ODR Pilot Project.

b. A Small Claims ODR Pilot Project "Notice to Defendant of Online Dispute Resolution" ("Notice") as set forth in Attachment A hereto shall be served on the defendant along with the Statement of Claims.

c. A defendant shall have up to fourteen (14) days from the date of service of the Notice to register for the Small Claims ODR Pilot Project.

d. Any party without access to technology or who is not able to use technology may request to be exempted from the Small Claims ODR Pilot Project. An exemption request that substantially complies with the form set forth in Attachment B hereto shall be submitted to the respective District Court. The Deputy Chief Judges of each circuit are

authorized to develop exemption request forms appropriate for their respective circuits.

4. The Small Claims ODR Pilot Project shall apply only to Small Claims actions filed in the District Courts of the State of Hawai'i pertaining to assumpsits and residential security deposits.

5. The Small Claims ODR Pilot Project shall be implemented in a phased schedule, starting with the First Circuit and thereafter followed by the Second, Third, and Fifth Circuits. During the initial implementation in the First Circuit, the Small Claims ODR Pilot Project shall be limited to individual self-represented parties who initiate a Small Claims case during the pilot project period. The Deputy Chief Judge of the First Circuit is authorized to determine the appropriate date for multiple parties, represented parties, and attorneys to enter into the Small Claims ODR Pilot Project. The Deputy Chief Judges of the Second, Third, and Fifth Circuits are authorized to determine the appropriate date to implement the Small Claims ODR Pilot Project in their respective District Courts within the pilot project period.

6. The Standing Committee on Innovations, Technology, and Self-Represented Litigants shall submit to the supreme court two reports on the pilot project -- (1) the first report is due on December 30, 2021; and (2) the second report is

due on March 30, 2022. The reports shall set forth: (1) the number of matters included in the pilot project; (2) how and whether the pilot project increased the participation rate of parties in Small Claims matters; and (3) any other information to determine whether the pilot project has yielded the benefits envisioned by this proposal. The final report shall also set forth a recommendation regarding the long-term or permanent implementation of the pilot project. The Committee may request an extension of these deadlines for good cause.

DATED: Honolulu, Hawai'i, June 23, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins





# NOTICE TO DEFENDANT OF ONLINE DISPUTE RESOLUTION

Plaintiff must serve this Notice to the Defendant along with the Statement of Claim and Notice of Hearing.

## You have received this Notice because:

- The Plaintiff whose name is listed in the Statement of Claim has filed a case against you in Small Claims.
- You are the Defendant in this case. If you have an attorney, give this Notice to your attorney along with the Statement of Claim.

The image shows a thumbnail of a legal form titled "Small Claims - General statement of claim and notice (# DC06)". The form is for the Small Claims Division of the District Court of the State of Hawaii. It includes instructions on how to use the form, a section for the Plaintiff to provide their name, address, and telephone number, and a section for the Defendant to provide their name, address, and telephone number. The form is divided into Part I (Statement of Claim) and Part II (Notice of Hearing).

## Registration Required

This case is included in the Hawai'i State Judiciary Online Dispute Resolution (ODR) Pilot Program. **You MUST register on the online system within 14 days** of being served with the Statement of Claim.



To register visit: [Turbocourt.com/Hawaii](http://Turbocourt.com/Hawaii) you will be directed to the TurboCourt site.

You must have access to a computer or mobile device, a connection to the internet and an e-mail address.

If you do not have access to the necessary technology, you may submit a request to be exempted from participating in ODR. Please use the Request for Exemption from Small Claims ODR Pilot Project form. If you are excused from participating, you will be required to submit your court documents directly with the court in person or via U.S. mail and appear at the scheduled hearing.

## How Online Dispute Resolution (ODR) works.

- Instead of going to trial at the courthouse, you and the Plaintiff may negotiate between yourselves or work with a third party neutral, a mediator, to reach an agreed resolution of your dispute using the online system.
- The system can be accessed at any time using a computer, tablet or smart phone with internet connection. You will receive email and or text messages during the course of the online negotiation/mediation process to notify you when to log back into the system.

- If you agree to the amount owed, you and the Plaintiff may work on a payment plan and submit the required court documents to close or dispose of the case with the court.
- If you do not agree with the amount owed, you and the Plaintiff can try to negotiate or mediate an agreed amount.
- If you and the Plaintiff do not come to an agreement, you and the Plaintiff will be required to come to the courthouse on the date and time assigned to your case. You may find information by looking up your case on eCourt Kokua at <https://www.courts.state.hi.us>

## The Benefits of Going through ODR

- You will have an opportunity to resolve the dispute between you and the Defendant online, on your own time and without having to come to court.
- You will have the assistance of an online mediator to help you and the Defendant come to an agreement on how to resolve your dispute.
- You may submit your settlement agreement and other court documents online.

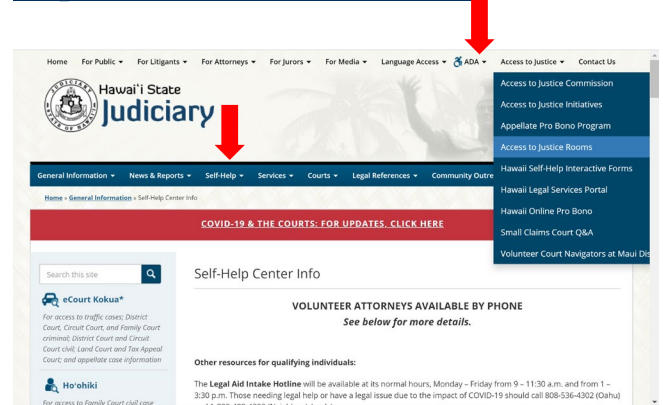
## Finding Help

You may wish to get legal assistance to better understand the court process and your legal rights and responsibilities.

Please visit the Judiciary’s website at <https://www.courts.state.hi.us>

You will find information about Self-Help Centers, Access to Justice Rooms and other resources for legal assistance under the **Self-Help** and the **Access to Justice Tabs**.

<https://www.courts.state.hi.us>



## Americans with Disabilities Act Notice

If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation.

Call First Circuit (Oahu) (808) 538-5121; Second Circuit (Maui) (808) 244-2855; Third Circuit (Hawaii Island): Hilo (808) 961-7629, Kona (808) 961-7629; or Fifth Circuit (Kauai) (808) 482-2347, or Send an e-mail to [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov). The court will try to provide, but cannot guarantee, your requested auxiliary aid, service, or accommodation.

